IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 20TH MARCH 2007 / 29TH PHALGUNA 1928

WP(C).No. 8493 of 2007(J)

PETITIONER:

O.P.SEBASTIAN, ODATTU PARAMBIL HOUSE,
HOUSE NO.15/830, MUNDAMVELI P.O.,
MOOLAMKUZHI, KOCHI- 682 507.

BY ADV. SRI.A.X.VARGHESE

RESPONDENTS:

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1. TELEPHONE REGULATORY AUTHORITY OF INDIA, MAHANAGAR, DOOR SANCHAR BHAVAN, JAWAHARLAL NEHRU MARG, OLD MINT ROAD, NEW DELHI-2.

2. SUB DIVISIONAL MAGISTRATE, FORT KOCHI.

3. SECRETARY, CORPORATION OF KOCHI.

4. RELIANCE INFOCOM LIMITED, RELIANCE CENTRE 19, WALCHAND, HIRACHAND MARG, BALLARD ESTATE, MUMBAI.

5. JYOTHISH SUB CONTRACTOR, RELIANCE COMMUNICATION A & P ARCADE, KADAVANTHRA.

6. SAM, SUB CONTRACTOR, RELIANCE COMMUNICATION A & P ARCADE, SAHODARAN AYYAPPAN ROAD, KADAVANTHRA.

7. MARGARET, MAKKATH HOUSE, KANJIRAPPADAM ROAD, (WEST SIDE), MOOLAMKUZHI, KOCHI-2.

S.C.SRI.MATHEWS PHILIP.
BY ADV. SRI.C.M.SURESH BABU,SC,COCHIN CORPORATI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Thottathil B. Radhakrishnan, J.

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W.P.(C)No.8493 of 2007

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Dated this the 20th day of March, 2007.

JUDGMENT

This writ petition is filed challenging Ext.P4 order by which the Sub Divisional Magistrate, Fort Kochi rejected the contention of the petitioner and another, alleging that a mobile transmission tower is likely to endanger human life by causing radiation and also because the said mobile tower is constructed in a plot by reclaiming a pond. A reading of Ext.P4 would show that all the contentions of the petitioner and his co-complainant before the Sub Divisional Magistrate have been elaborately considered.

2. The Sub Divisional Magistrate has found that the tower in question has been constructed on the basis of the NOC from the Corporation and the Southern Naval Command. The Sub Divisional Magistrate also obtained remarks from the Town Planning Officer of the Corporation and directions were issued to the operators to conduct a public awareness campaign regarding its

activities, its scientific base etc. That was carried out by the operators. The Sub Divisional Magistrate noticed that the tower has been constructed on the basis of the appropriate clearance given by the Naval Department as also the Town Planning Committee of the Corporation. It has also been noticed that there is no material on record to hold that the action of the erection of the tower or its utility for transmission would endanger human life.

On the face of the aforesaid findings, I find no jurisdictional error or legal infirmity in the impugned Ext.P4 decision. The challenge against the same is hence repelled. Writ petition is dismissed.

Thottathil B.Radhakrishnan,
Judge.

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